

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MERRELL NATHANIEL DEVERS,**

**Defendant.**

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**Case No. 8:08CR342**

**ORDER**

This case is before the court on the defendant's Motion to Review Detention (#16). The defendant requests the court review its previous Order of Detention and consider releasing the defendant to CH, Inc. After review of the December 12, 2008 Pretrial Service initial appearance report, the court's December 15, 2008 Order of Detention (#11), as well as the February 6, 2009 e-mail recommendation from Pretrial Services that the defendant not be released, I find the motion should be denied without hearing.

Given that the defendant is only 21 years of age, his prior conviction in 2006 for felony possession of a stolen firearm, and his current indictment for firearm possession by a felon and firearm forfeiture (a Bryco Arms .380 caliber pistol), I find that the proposed release plan does not overcome the court's concerns set out in its detention order (#11) that no condition or combination of conditions will reasonably assure the safety of any other persons or the community. I agree with the defendant's position that the new or corrected information contained in his motion does mitigate as to flight, and I find that based on the current record the defendant would appear as required.

**IT IS ORDERED** that defendant's Motion to Review Detention (#16) is denied without hearing.

Dated this 10<sup>th</sup> day of February 2009.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge